

ASSEMBLY BILL

No. 1325

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to amend Section 594 of the Penal Code, relating to vandalism.

LEGISLATIVE COUNSEL'S DIGEST

AB 1325, as introduced, John A. Pérez. Vandalism.

Existing law makes every person who maliciously defaces with graffiti or other inscribed material, damages, or destroys any real or personal property not his or her own guilty of vandalism and punishable by imprisonment, or fine, or both imprisonment and fine, as specified.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 594 of the Penal Code is amended to
2 read:
3 594. (a) ~~Every~~ Any person who maliciously commits any of
4 the following acts with respect to any real or personal property not
5 his or her own, in cases other than those specified by state law, is
6 guilty of vandalism:
7 (1) Defaces with graffiti or other inscribed material.
8 (2) Damages.
9 (3) Destroys.

1 Whenever a person violates this subdivision with respect to real
2 property, vehicles, signs, fixtures, furnishings, or property
3 belonging to any public entity, as defined by Section 811.2 of the
4 Government Code, or the federal government, it shall be a
5 permissive inference that the person neither owned the property
6 nor had the permission of the owner to deface, damage, or destroy
7 the property.

8 (b) (1) If the amount of defacement, damage, or destruction is
9 four hundred dollars (\$400) or more, vandalism is punishable by
10 imprisonment pursuant to subdivision (h) of Section 1170 or in a
11 county jail not exceeding one year, or by a fine of not more than
12 ten thousand dollars (\$10,000), or if the amount of defacement,
13 damage, or destruction is ten thousand dollars (\$10,000) or more,
14 by a fine of not more than fifty thousand dollars (\$50,000), or by
15 both that fine and imprisonment.

16 (2) (A) If the amount of defacement, damage, or destruction is
17 less than four hundred dollars (\$400), vandalism is punishable by
18 imprisonment in a county jail not exceeding one year, or by a fine
19 of not more than one thousand dollars (\$1,000), or by both that
20 fine and imprisonment.

21 (B) If the amount of defacement, damage, or destruction is less
22 than four hundred dollars (\$400), and the defendant has been
23 previously convicted of vandalism or affixing graffiti or other
24 inscribed material under Section 594, 594.3, 594.4, 640.5, 640.6,
25 or 640.7, vandalism is punishable by imprisonment in a county
26 jail for not more than one year, or by a fine of not more than five
27 thousand dollars (\$5,000), or by both that fine and imprisonment.

28 (c) Upon conviction of any person under this section for acts
29 of vandalism consisting of defacing property with graffiti or other
30 inscribed materials, the court shall, when appropriate and feasible,
31 in addition to any punishment imposed under subdivision (b), order
32 the defendant to clean up, repair, or replace the damaged property
33 himself or herself, or order the defendant, and his or her parents
34 or guardians if the defendant is a minor, to keep the damaged
35 property or another specified property in the community free of
36 graffiti for up to one year. Participation of a parent or guardian is
37 not required under this subdivision if the court deems this
38 participation to be detrimental to the defendant, or if the parent or
39 guardian is a single parent who must care for young children. If

1 the court finds that graffiti cleanup is inappropriate, the court shall
2 consider other types of community service, where feasible.

3 (d) If a minor is personally unable to pay a fine levied for acts
4 prohibited by this section, the parent of that minor shall be liable
5 for payment of the fine. A court may waive payment of the fine,
6 or any part thereof, by the parent upon a finding of good cause.

7 (e) As used in this section, the term “graffiti or other inscribed
8 material” includes any unauthorized inscription, word, figure,
9 mark, or design, that is written, marked, etched, scratched, drawn,
10 or painted on real or personal property.

11 (f) The court may order any person ordered to perform
12 community service or graffiti removal pursuant to paragraph (1)
13 of subdivision (c) to undergo counseling.

14 (g) This section shall become operative on January 1, 2002.